

FILED
for Roanoke
JUN 13 2013
JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DANIEL P. MASON,)
) Case No. 7:13-cv-00003
Petitioner,)
)
v.) FINAL ORDER
)
)
EARL BARKSDALE,) By: Hon. Jackson L. Kiser
) Senior United States District Judge
Respondent.)

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that respondent's motion to dismiss (Docket No. 10) is **GRANTED**; the petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; and this action is **STRICKEN** from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the parties.

ENTER: this 13th day of June, 2013.

[Signature]
Senior United States District Judge